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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

ORTIZ, BELIX M

ART UNIT PAPER NUMBER

2164

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/719,483	Applicant(s) JAMES ET AL.	
	Examiner Belix M. Ortiz	Art Unit 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/10/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

1. In response to communications files on 22-January-2007. Claims 1 and 3 are amended per applicant request. Claims 1-32 are presently pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 7-12, 14-19, 21-26, and 28-32 are rejected under 35 U.S.C. 103(a) (Eff.

Filing date of application: 11/21/02) as being unpatentable by Ehrlich et al. (U.S. patent 2002/0156685) (Eff. filing date of application: 2/10/2001) in view of Edlund et al. (U.S. patent 6,546,388) (Eff. Filing date of application: 1/14/2000).

As to claims 1 and 30, Ehrlich et al. teaches a search method, comprising the operations of:

the browser receiving from the search engine a results list of at least one item of search results arising from the query where each said item is associated with at least one site, the browser further displaying the results list (see paragraph 5);

the browser providing a selection mechanism programmed to receive user input identifying one or more items of search results from among the displayed results

list (see figure 3A, character 345 and paragraphs 17-18);

responsive to the browser receiving user input via the selection mechanism, the browser preparing a search cart list including the identified items of search results (see paragraph 18);

the browser displaying the search cart list and providing the user with access to sites associated with the identified items of search results directly from the displayed search cart list without the user having to operate the browser to navigate back to the displayed results list and select an item of search results therefrom (see abstract and paragraphs 2, 17, and 27).

Ehrlich et al. does not teach a browser receiving a user's query and submitting the query to a search engine.

Edlund et al. teaches a metadata search ranking system (see abstract) where he teaches a browser receiving a user's query and submitting the query to a search engine (see column 3, lines 23-36).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Ehrlich et al. by the teaching of Edlund et al., because a browser receiving a user's query and submitting the query to a search engine, would enable the search method to "present to an end-user the intermediate matching search results of a keyword search in an index list of information. The method comprising the steps of: coupling to a search engine a graphical user interface for accepting keyword search terms for searching an indexed list of information with a search engine", (see column 3, lines 24-29).

As to claims 2 and 16, Ehrlich et al. as modified teaches where the operation of the browser displaying the search cart list is conducted responsive to user request (see Ehrlich et al. , paragraphs 30-31).

As to claims 3 and 17, Ehrlich et al. as modified teaches where the operation of providing a selection mechanism comprises one of:

providing a selection mechanism built-in to the browser, providing a selection mechanism that is an add-on to the browser (see Ehrlich et al. paragraph 21).

As to claims 4 and 18, Ehrlich et al. as modified teaches where the operation of submitting the query to a search engine comprises submitting the query to a search engine of Internet web sites. (see Ehrlich et al. abstract and paragraph 5).

As to claims 5 and 19, Ehrlich et al. as modified teaches wherein said selection mechanism input is generated responsive to a mouse-over click (see Edlund et al., column 1, lines 30-32; column 3, lines 66-67; and column 4, lines 1-5).

As to claims 7 and 21, Ehrlich et al. as modified teaches wherein said selection mechanism comprises a separate checkbox associated with each of said search results in said first list (see Ehrlich et al. paragraph 73).

As to claims 8 and 22, Ehrlich et al. as modified teaches the method further comprising the operation of:

providing an edit facility for entries made to said search cart list (see Ehrlich et al., paragraphs 31 and 74).

As to claims 9 and 23, Ehrlich et al. as modified teaches the method said edit facility providing functionality for any of editing entries, clearing all entries, and clearing individual sites (see Ehrlich et al., paragraph 74).

As to claims 10 and 24, Ehrlich et al. as modified teaches wherein said search comprises any of a content search, file search, and a database search (see Edlund et al., figure 1, character 158 and column 3, lines 44-45).

As to claims 11 and 25, Ehrlich et al. as modified teaches the method further comprising the operation of:

saving entries in said search cart list in chronological order, where most recent sites are displayed at a top of said search cart list (see Edlund et al., column 6, lines 64-67).

As to claims 12 and 26, Ehrlich et al. as modified teaches wherein said search cart list comprises a temporary queue in which entries are not saved across search sessions (see Ehrlich et al., paragraph 74).

As to claims 14 and 28, Ehrlich et al. as modified teaches wherein said search method and apparatus is implemented in a search portal (see Edlund et al., column 2, lines 10-15).

As to claim 15, Ehrlich et al. teaches a search apparatus, comprising:

second browser means for receiving from the search engine a results list of at least one item of search results arising from the query where each said item is associated with at least one site, the browser further displaying the results list (see paragraph 5);

a selection mechanism means for receiving user input identifying one or more items of search results from among the displayed results list (see figure 3A, character 345 and paragraphs 17-18);

third browser means responsive to receiving user input via the selection mechanism means preparing a search cart list including the identified items of search results (see paragraph 18);

fourth browser means for displaying the search cart list and providing the user with access to sites associated with the identified items of search results directly from the displayed search cart list without the user having to operate the browser to navigate back to the displayed results list and select an item of search results therefrom (see abstract and paragraphs 2, 17, and 27).

Ehrlich et al. does not teach first browser means for receiving a user's query and submitting the query to a search engine.

Edlund et al. teaches a metadata search ranking system (see abstract) where he teaches first browser means for receiving a user's query and submitting the query to a search engine (see column 3, lines 23-36).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Ehrlich et al. by the teaching of Edlund et al., because first browser means for receiving a user's query and submitting the query to a search engine, would enable the search method to "present to an end-user the intermediate matching search results of a keyword search in an index list of information. The method comprising the steps of: coupling to a search engine a graphical user interface for accepting keyword search terms for searching an indexed list of information with a search engine", (see column 3, lines 24-29).

As to claim 29, Ehrlich et al. teaches a computer readable medium containing a computer program product for searching, the computer program product comprising:

program code to receive from the search engine a results list of at least one item of search results arising from the query where each said item is associated with at least one site, the browser further displaying the results list (see paragraph 5);

program code to receive user input identifying one or more items of search results from among the displayed results list (see figure 3A, character 345 and paragraphs 17-18);

program code responsive to the browser receiving user input via the selection mechanism, the browser preparing a search cart list including the identified items of search results (see paragraph 18);

program code to display the search cart list and providing the user with access to sites associated with the identified items of search results directly from the displayed search cart list without the user having to operate the browser to navigate back to the displayed results list and select an item of search results therefrom (see abstract and paragraphs 2, 17, and 27).

Ehrlich et al. does not teach program code to receive a user's query and submitting the query to a search engine.

Edlund et al. teaches a metadata search ranking system (see abstract) where he teaches program code to receive a user's query and submitting the query to a search engine (see column 3, lines 23-36).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Ehrlich et al. by the teaching of Edlund et al., because program code to receive a user's query and submitting the query to a search engine, would enable the search method to "present to an end-user the intermediate matching search results of a keyword search in an index list of information. The method comprising the steps of: coupling to a search engine a graphical user interface for accepting keyword search terms for searching an indexed list of information with a search engine", (see column 3, lines 24-29).

As to claim 31, Ehrlich et al. teaches a method for enhancing operation of a computer-implemented browser programmed to receiving from the search engine a results list of at least one item of search results arising from the query where each said item is associated with at least one site, the browser further displaying the results list (see paragraph 5); the method comprising operations of: modifying the browser by incorporating additional programming operable when executed by a computer to perform operations (see paragraph 115) comprising:

the browser providing a selection mechanism programmed to receive user input identifying one or more items of search results from among the displayed results list (see figure 3A, character 345 and paragraphs 17-18);

responsive to the browser receiving user input via the selection mechanism, the browser preparing a search cart list including the identified items of search results (see paragraph 18);

the browser displaying of the search cart list and providing the user with access to sites associated with the identified items of search results directly from the displayed search cart list without the user having to operate the browser to navigate back to the displayed results list and select an item of search results therefrom (see abstract and paragraphs 2, 17, and 27).

Ehrlich et al. does not teach a browser receiving a user's query and submitting the query to a search engine.

Edlund et al. teaches a metadata search ranking system (see abstract) where he teaches a browser receiving a user's query and submitting the query to a search engine (see column 3, lines 23-36).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Ehrlich et al. by the teaching of Edlund et al., because a browser receiving a user's query and submitting the query to a search engine, would enable the search method to "present to an end-user the intermediate matching search results of a keyword search in an index list of information. The method comprising the steps of: coupling to a search engine a graphical user interface for accepting keyword search terms for searching an indexed list of information with a search engine", (see column 3, lines 24-29).

As to claim 32, Ehrlich et al. as modified teaches where the operation of modifying the browser comprises downloading a client-side extension comprising one of the following: a plug-in, an XML applet, a Java applet, a JavaScript applet (see Ehrlich et al. paragraphs 13 and 55).

4. Claims 6 and 20 are rejected under 35 U.S.C. 103(a) (Eff. Filing date of application: 11/21/02) as being unpatentable by Ehrlich et al. (U.S. patent 2002/0156685) (Eff. filing date of application: 2/10/2001) in view of Edlund et al. (U.S. patent 6,546,388) (Eff. Filing date of application: 1/14/2000) as applied to claims 1-5, 7-12, 14-19, 21-26, and 28-32 above, and

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further in view of Lehmeier et al. (U.S. pub. 2003/0133076) (Eff. Filing date of application: 1/11/2002).

As to claims 6 and 20, Ehrlich et al. does not teach wherein said search cart list is any of a pull down and a side bar.

Lehmeier et al. teaches system and method for modifying image-processing software in response to visual test results (see abstract), in which he teaches wherein said search cart list is any of a pull down and a side bar (see paragraphs 45, 47, and 60).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Ehrlich et al. by the teaching of Lehmeier et al., because wherein said search cart list is any of a pull down and a side bar, would enable the method because “Upon individually selecting each of the pull-down menu arrows, the operator will be presented with a menu listing all available selections related to the associated application, image mode, image size, and image resolution, respectively. As is also shown in FIG. 4, the brightness and contrast controls 441, 443 may be similarly presented in the form of a slide bar with each respective slide bar control outfitted with corresponding left and right arrows to adjustably control either the brightness or the contrast value that is applied to the selected image data”, (see Lehmeier et al., paragraph 60).

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5. Claims 13 and 27 are rejected under 35 U.S.C. 103(a) (Eff. Filing date of application: 11/21/02) as being unpatentable by Ehrlich et al. (U.S. patent 2002/0156685) (Eff. filing date of application: 2/10/2001) in view of Edlund et al. (U.S. patent 6,546,388) (Eff. Filing date of application: 1/14/2000) as applied to claims 1-5, 7-12, 14-19, 21-26, and 28-32 above, and further in view of Rishe (U.S. pub. 6,339,773) (Eff. Filing date of application: 10/12/1999).

As to claims 13 and 27, Ehrlich et al. does not teach the method further comprising the operation of:

responsive to receiving user designation of selected entries within said search cart list, transferring said selected entries to a nonvolatile bookmarks list to preserve information related to said selected entries after a current search session has ended.

Rishe teaches data extractor (see abstract), in which he teaches the method further comprising the operation of:

responsive to receiving user designation of selected entries within said search cart list, transferring said selected entries to a nonvolatile bookmarks list to preserve information related to said selected entries after a current search session has ended (see column 5, lines 30-31).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Ehrlich et al. by the teaching of Rishe, because the method further comprising the operation of:

responsive to receiving user designation of selected entries within said

search cart list, transferring said selected entries to a nonvolatile bookmarks list to preserve information related to said selected entries after a current search session has ended, would enable the method because “In addition, the user can bookmark 310 the result for future access”, (see Rishe, column 5, lines 30-3).

Response to Arguments

6. Applicant's arguments filed 22-January-2007 with respect to the rejected claims in view of the cited references have been fully considered but they are not found persuasive:

In response to applicants' arguments that “Ehrlich et al. fail to disclose or suggest the search engine, result list, and a cart list without the user having to operate the browser..., the arguments have been fully considered but are not deemed persuasive, because Ehrlich et al. teaches “The vastness of the unstructured WWW causes shoppers to rely primarily on Internet search engines to retrieve information or to locate businesses. These search engines use various means to determine the relevance of a shopper-defined search to the information retrieved”, (see Ehrlich et al., paragraph 3); where he teaches “search engine”.

Ehrlich et al. teaches “In response to the shopper's query, the search engines return a set of corresponding web-based matches listing the vendors or vendors' web sites that offer the desired items”, (see Ehrlich et al., paragraph 15); where he teaches “result list”.

Ehrlich et al. teaches “It enables the sale consummation directly from the shopping cart without having to visit the merchants' web sites”, (see Ehrlich et al., paragraph 27); where he teaches “displayed search cart list without the user having to operate...”.

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Conclusion


THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Belix M. Ortiz whose telephone number is 571-272-4081. The examiner can normally be reached on Monday-Friday 9am-5pm. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bmo


ALFORD KINDRED
PRIMARY EXAMINER

April 11, 2007